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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,623	01/22/2004	Steen Pedersen	P17886-US2	5034
27045	7590	07/28/2009	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			HO, DUC CHI	
			ART UNIT	PAPER NUMBER
			2419	
			MAIL DATE	DELIVERY MODE
			07/28/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/762,623	<b>Applicant(s)</b> PEDERSEN ET AL.	
	<b>Examiner</b> DUC C. HO	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1,8-10,13,16-18 and 21 is/are rejected.
- 7) ☒ Claim(s) 2-7, 14-15, and 19-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Allowable Subject Matter***

1. The indicated allowability of claim 1, 8-10, 13, 16-18, and 21 are withdrawn. Rejections based on the APA follows.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 8-10, 13, 16-18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of the instant application in paragraph [0002-0004], hereinafter referred to as the APA, in view of Gupta et al. (US 6,731,627).

Regarding claim 1, the APA discloses a CPE on one side of the DSLAM and a Broadband Remote Access Server (BBRAS) on the other side of the DSLAM. The APA also discloses ATM transmission medium on one side of the DSLAM, while Ethernet is a second transmission media between the CPE and the BBRAS. When a customer has a complaint, operators normally execute a loop-back command for testing the ATM virtual circuit towards the CPE.

The APA, however, does not teach executing a second loop-back between the intermediate node and the second end node according to a standard of the second transmission medium.

One skill in the art would recognize the advantage of testing a DSLAM network infrastructure that communicates via more than one transmission medium in order to locate a cause for a customer's complaints by executing two different loop-back tests onto the two mediums, i.e., one medium ATM from the DSLAM to the CPE, and the other Ethernet from the DSLAM to the BBRAS, so that operators would base on the results of the loop-back tests to identify which link of the two ends actually caused problems.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to employ a second loop back test on the Ethernet transmission medium between the DSLAM and the BBRAS. The motivation is to facilitate the identification as to which link connected to the DSLAM actually caused the problem for the customer's complaint.

Regarding claim 8, the DSLAM network infrastructure of the APA should include a network management node for performing test and maintenance, and this management node should also function to receive the reported results of the loop-back tests from the DSLAM.

Regarding claim 9, the network infrastructure of the APA include the steps in which a care center receiving customer complaint regarding the communications link between the end nodes; and reporting the results of the first and second loop-back tests from the DSLAM to the care center.

Regarding claim 10, in the DSALM network infrastructure of the APA the customer complaint should be received on a per service basis from one of a plurality of service providers.

Claim 13 has similar limitations as claim 1. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 1. Since DSLAM is the intermediate node, CPE is one of the end nodes, and BBRAS is the other end node, when a first loop-back test, a second loop back test being performed respectively to the CPE, and the BBRAS, there should be means in the CPE, and the BBRAS for sending responses to the DSLAM from the CPE, and the BBRAS, as these end nodes received the loopback tests successfully.

Claim 16 has similar limitations as claim 9. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 9. A care center could function as a network management node.

Regarding claim 17, in the APA a care center that receives customer complaints could function as a network management node.

Claim 18 has similar limitations as claim 13. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 13. The DSLAM should includes means for sending first and second loop back test, and means for receiving responses from the CPE and the BBRAS.

Claim 21 has similar limitations as claim 9. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 9. The CCC or the network management node should include means for performing the claimed steps.

***Allowable subject matter***

5. Claims 11-12 are allowed.
6. Claims 2-4, 5-7, 14-15 and 19-20 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2419

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

/DUC C HO/

Primary Examiner, Art Unit 2419

07-27-09